

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JAMES MHOON

PLAINTIFF

V.

CIVIL ACTION NO. 4:22-CV-00105-JMV

MDOC OFFICERS (MSP),
LT. JACQUELINE WRIGHT, and
LT. MICHAEL HONEYCUTT

DEFENDANTS

ORDER DISMISSING CASE WITHOUT PREJUDICE

This matter comes before the Court, *sua sponte*, for consideration of dismissal. On July 12, 2022, Plaintiff James Mhoon, proceeding *pro se*, filed the instant action challenging the conditions of his confinement pursuant to 42 U.S.C. § 1983. Doc. # 1. On July 13, 2022, an Order was entered and mailed to Plaintiff advising him that, if he wished “to continue with this case, he must sign the Acknowledgment (Form PSP-3), and return it to the Clerk of Court within thirty (30) days.” Doc. # 4. The Order further warned Plaintiff that his “failure to return one or other of the forms . . . will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in this case being dismissed *sua sponte*, without prejudice, without further written notice.” *Id.*

Despite this warning, Plaintiff failed to return the required forms.¹ Consequently, the Court entered an Order on August 22, 2022, directing Plaintiff to show cause within fourteen (14) days why his case should not be involuntarily dismissed as provided by Federal Rule of Civil Procedure 41(b). Doc. # 6. Plaintiff responded to the Order on August 29, 2022, advising the Court that certain restrictions at the prison prevented him from submitted the requisite forms. Doc. # 8. The Court notes that, despite the alleged restrictions, Plaintiff was able to return

¹ Plaintiff did, however, sign and return a form consenting to Magistrate Judge jurisdiction in this case on August 2, 2022. Doc. # 5. This Consent form was sent to Plaintiff at the same time as the aforementioned PSP forms.

Consent forms, an Acknowledgement of Receipt, and a response to the show cause order. *See* Doc. #s 5, 7, 8. To date, Plaintiff still has not returned the requisite PSP forms. Accordingly, the instant case is hereby **DISMISSED without prejudice** for Plaintiff's failure to prosecute and obey an order of the Court.

SO ORDERED, this the 7th day of September, 2022.

/s/ Jane M. Virden
JANE M. VIRDEN
UNITED STATES MAGISTRATE JUDGE